



TOWN OF WILTON PLANNING BOARD MEETING APPROVED MINUTES

DATE: April 15, 2015
TIME: 7:30 PM
PLACE: Wilton Town Hall Courtroom

PRESENT: Wilton Planning Board Members: Chairman Alec MacMartin, Vice Chairman Jeff Kandt, Neil Faiman, Sara Spittel, Marcie Kearns, NRPC Representative Camille Pattison, Secretary Sorrell Downing. Dawn Tuomala from Monadnock Survey, Applicant Donna Joas, Applicant Gregory Joas, Abutter Matthew Bangert, Abutter Joan Ross, Abutter Don Ross, Conservation Commission representative Bart Hunter, Wilton-Lyndeborough Winter Wanderers representative Amos White.

PUBLIC HEARING

Chairman MacMartin opened the Public Hearing at 7:30 PM.
Ms. Kearns recused herself from the board for the hearing of the Joas case as she is an abutter.

PB-SD15-0201

An application by Donna S. Joas 1997 Trust to subdivide the parcel at 192 Wilson Road, Lot F-2, into a total of 5 single family residential lots. All lots will contain 5+ acres of land. The parcel is on Isaac Frye Highway, Wilson Road and Coburn Road.

- Mr. MacMartin has consulted Town Counsel regarding the Fire Chief letter dated 3/17/15 stating that when Lot F-2-6 is being built there would need to be a water supply as well as the road improved for emergency vehicles. Town Counsel stated that a note on the plan would be sufficient.
- Ms. Tuomala pointed out that the plan has added two notes, #13 and #14 which address the concerns of the Fire Chief as per the request of Town Counsel.
- According to NH RSA 674:41 Regarding erection of Buildings on a class VI road

- *The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and*
 - *The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and*
 - *Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds*
- Mr. Faiman stated the Planning Board does not want to create a 40 acre useless lot. The Town of Wilton does not want to create lots with pre-established hardships.
- Ms. Tuomla stated they would have the Hold Harmless on the mylar, and would use the one Town Counsel had previously approved.
- Ms. Tuomla also added three more notes on the plan:
 - #10 addressing the boundary line agreed upon by the Cemetery Trustees.
 - #11 Wilson road being a "Scenic Road"
 - #12 addressing the Impact Fees
 - Sheet #3 was stamped with P.E.
 - Shed on F-2-2 will be removed.
- Ms. Spittel asked for clarification on the 50' frontage and the term backlot. Ms. Tuomala stated that on the tax map there is an abrupt triangle that was used to create the driveway frontage. F-2-5 is considered the front lot and has proper 200' frontage. The backlot can have only 50' if the backlot consists of at least five acres.
- Due to the weather, bounds have not been set yet.
- Ms. Tuomala asked the board for conditional approval.

Discussion:

Driveway on F-2-6

Dan Ross from 20 Wilson Road asked regarding Lot F-2-6 if there are sight lines to consider when reviewing the driveway. The board responded that the regulations were based on speed limit but determined by DPW.

The Selectmen will need to approve this because it is a Class VI Road.

Conservation/Recreation

Amos White from the Wilton-Lyndeborough Winter Wanderers asked about the use of the land on F-2-6 as it currently is a corridor from Wilton to Lyndeborough and would the Joas family consider changing the deed to protect that space. The Joas family responded by saying they would not be willing to change the deed but while they still owned the land, they have no problem with people using the land. Bart Hunter from the Wilton Conservation Commission stated he often would work with landowners to allow people to use the land for trails.

Water Supply

There is tremendous concern by several residents present, Marcie Kearns, Matthew Bangert, Joan Ross, Don Ross about the water supply currently and what the impact would be to the current wells if more wells are drilled in the area. The Joas stated there currently are only two new wells proposed because the other lots have existing wells. The two new wells would be built on F-2-4 and F-2-5.

Mr. Ross stated his 600' well went dry last February which had been drilled in 2002. Mr. Ross had to drill a new well to 1450' which cost \$25,000 and produced 3gallons/minute. He was concerned that the culprit was Monadnock Spring Water but after investigation it was not Monadnock Spring Water as they pull from the Souhegan River. Low flow water is an issue with others, one neighbor reported to Ross their well was 1000' and other had a 1200' well and both had reduced water flow.

Mr. Bangert consulted a hydrologist briefly and asked if adding a subdivision will impact water supply and the response was "scarce resource and limited supply – so when you add more residents, they all will compete for the same water." Mr. Bangert asked if the adding of more wells to an already limited resource was sustainable. Who is liable? Mr. Bangert asked the minutes to reflect the concern of the present abutters about the impact of the subdivision to the current water supply to the existing homes. If a conditional approval was granted, would abutters be given an opportunity to raise the concerns of water supply further? Mr. Bangert plans to consult a hydrologist.

Mr. MacMartin and Mr. Faiman stated this is not typically an issue addressed by the Planning Board and the regulations set for subdivisions account for suitability of the property for water and for waste. Mr. Faiman stated there is not a regulation that we need to be satisfied with water supply in a proposed neighborhood.

Ms. Tuomala stated there are two aquifers in the proposed subdivision. The lots F-2-4 and F-2-5 require wells to be drilled and the location of the proposed well could be adjusted and moved back 275' from the road and therefore draw from the other aquifer.

Mr. MacMartin added there are wetlands on F-2-4 and F-2-5 and questioned their source. It was speculated the source of flow was from Lot D-138.

Mr. Kandt added that the existing wells (F-2-2 and F-2-6) need to be marked on the plan. Mr. Kandt asked if the hydrologist comes back and says the additional wells will destroy the water supply for the area, does the Planning Board have the authority to deny the case based on his recommendation?

Ms. Spittel asked if we are allowed to grant more time to an abutter to gather information that may or may not impact the decision of the Planning Board. Mr. MacMartin said it has been done in the past.

Coburn Road

There was some discussion about Coburn Road and why it exists if it can not be used. It was concluded that it originally went all the way to Route 101 but it became abandoned and the town no longer maintained. Mr. Joas asked why the road does not go to property owner, Mr. MacMartin stated there are easements and the public owns the road. Also, without the road, the Sharkey family would be landlocked.

“Scenic” Road

Ms. Ross asked why there are not any deed restrictions for a “Scenic” road? Mr. MacMartin responded the landowners have the right to add on restrictions and do what is best for the development. The Planning Board does not review this.

A MOTION was made by Mr. Kandt and SECONDED by Mr. Faiman to accept the application of PB-SD15-0201 - Donna S. Joas 1997 Trust to subdivide the parcel at 192 Wilson Road, Lot F-2, into a total of 5 single family residential lots. All lots will contain 5+ acres of land. The parcel is on Isaac Frye Highway, Wilson Road and Coburn Road

Voting: 4 ayes

Conditions

- The wells on F-2-4 and F-2-5 need to be more than 275’ from the road. Wells would be behind stonewall.
- The existing wells on F-2-2 and F-2-6 need to be labeled on plan.
- As per NH RSA 674:41, the “Hold Harmless” agreement and approval by the Town of Wilton Selectmen to build on the lots
- The bounds need to be set.

A MOTION was made by Mr. Faiman and SECONDED by Mr. Kandt to recommend the Selectman to approve the development of F-2-6 using Coburn Road as access to Wilson Road.

Voting: 3 ayes. Mr. Williams abstained.

Mr. MacMartin advised Mr. Williams and Ms Tuomala to talk with Town Counsel.

A MOTION was made by Mr. Faiman and SECONDED by Mr. Kandt to Continue the Public Hearing for PB-SD15-0201 to 5/20/2015.

Voting: 4 ayes.

Ms. Kearns returned to the Planning Board. Ms. Tuomala returned to Planning Board and will vote for Matt Fish.

04-01-15 Minutes

Page 2, line 26	spelling of abstained
Page 2, line 39	rewording of Vision Statement
Page 3, line 6	Mr. MacMartin said the Master Plan is NOT a marketing tool.

Page 3, line 13 strike sentence, unclear and inaccurate
Page 3, line 16 misspelling Pattison

A MOTION was made by Ms. Spittel and SECONDED by Ms. Kearns to accept the Minutes from 04/01/15 as amended.

Voting: 6 ayes, motion carried unanimously

Action Items from 04-01-15 Work Session

Mailing

Mr. MacMartin discussed with Town Counsel the Certified Mail vs. Return Receipt. The Planning Board just needs proof of mailing.

Ballot Typo

The Planning Board has two choices regarding the ballot issue from March 2015:

- Add the ordinance with a footnote stating the ballot had a typo
- Type it as written on ballot, with no grace period and fix it next year

This will be added to 05-06-15 Agenda.

Other Business

Bond

There is a Florida Towers cell tower bond that is expired. Ms. Downing to discuss with Ms. Atwood as to if and when a replacement bond was received.

SB-146

John Shepardson shared with several board members the SB-146. This has moved from the Senate to the House. It states:

Accessory Dwelling Units

674:67 Definitions. As used in this subdivision, “accessory dwelling unit” means a residential living unit that is appurtenant to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An accessory dwelling unit may be within or attached to the principal dwelling unit.

674:68 Accessory Dwelling Units.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling, either as a matter of right or by special exception, in all zoning districts that permit single-family dwellings. An accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. Adequate provisions for water supply and sewage disposal shall be made for an accessory dwelling unit, but separate systems shall not be required for the principal and accessory dwelling units.

IV. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy.

V. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 40 percent of the living space of the principal dwelling unit.

VI. A municipality may not limit occupancy of either the principal or the accessory dwelling unit based on familial relations with the occupants of the other unit.

VII. A municipality may not limit the number of bedrooms in an accessory dwelling unit to fewer than 2, and any interior doors between an accessory dwelling unit and a principal dwelling unit shall not be required to be unlocked.

VIII. Every accessory dwelling unit shall be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under [RSA 674:59](#).

Mr. MacMartin stated adopting this could be opening Pandora's Box and does not think this a good idea. There will not be any controls.

Change of Use Procedures

Mr. Faiman stated the Planning Board has gone around several times on this issue with no decision. Mr. Kandt said that if a business can act within the current restrictions of the existing site plan and is up to the current standards then the Change of Use form could be effective.

Mr. MacMartin concluded the enforcement of the current ordinance is difficult and sometimes is triggered by external changes, like the sign. Ms. Tuomala stated that often businesses will need a structural change and therefore a certificate of occupancy can also trigger the enforcement of the Change of Use.

Ms. Pattison will revise form. A typo on the existing form was noted.

Mr. Williams asked for this to be discussed jointly with the Selectman 05-06-15 at 7:00PM.

A MOTION was made by Mr. Williams and SECONDED by Mr. Faiman to discuss this topic jointly with the Selectman 05-06-15 at 7:00PM.

Voting: 6 ayes, motion carried unanimously

Long Term Capital Planning Discussion/CIP

In addition to the agenda to the joint meeting with Selectman, Mr. Williams would like to discuss the long-term economic development and the collection and questioning of the data. Ms. Tuomala has worked very hard on this and was recognized and thanked by Mr. Williams and other board members for her work. Ms. Tuomala stated that this is within the jurisdiction of the Planning Board but there simply is not enough time to get it all done. Mr. Williams suggested an ad hoc committee be created to collect data and begin the interpretation of this before the Town Meeting 2016 where anyone can bring recommendations.

A MOTION was made by Mr. Faiman and SECONDED by Mr. Kandt to adjourn the meeting.

Voting: 6 ayes, motion carried unanimously.

Remaining agenda items will be moved to the meeting on May 1, 2015.

Chairman MacMartin declared the meeting adjourned at 9:50 PM.

Respectfully Submitted,
Sorrell Downing
Secretary